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POSTAL RATE COMMISSION
OFFICE OF THE PRESIDENT

PRESIDING OFFICER'S
RULING NO. C2001-3/24

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Complaint on First-Class Mail Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING ON DFC/USPS-1

(Issued June 4, 2002)

This ruling addresses DFC/USPS-1, which seeks typical daily "point-to-point" First-Class Mail Origin-Destination (ODIS) volume data for each originating 3-digit ZIP Code area in 11 western states and in New Jersey destined to every 3-digit ZIP Code in the nation.¹ Presiding Officer's Ruling No. C2001-3/23, issued April 9, 2002, resolved a similar request (in DFC/USPS-9) for delivery service performance data in favor of disclosure without protective conditions, but allowed production of less than the entire data set.² In particular, the ruling permitted some aggregation of data and limited the scope of the Service's response to two- and three-day results between designated points.

Many of the considerations underlying P.O. Ruling No. C2001-3/23 also apply here; however, question 1's scope is much broader because it is not limited to data for city pairs in which one of the pairs was affected by the reduction in service standards from two to three days. Question 1 also seeks data for the state of New Jersey, which is geographically quite distant from the western states identified in question 9.

In this instance, as with question 9, there is an impasse over the terms under which the requested data will be made available. The Service contends that protective

¹ The western states referred to in DFC/USPS-1 are Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Montana and Wyoming.

² With the exception of New Jersey, the data request in DFC-USPS-9 covers the same states identified in DFC-USPS-1, plus Texas. DFC/USPS-1 seeks, for the states identified in footnote and for New Jersey, the typical daily volume of outgoing First-Class Mail destined to every three-digit ZIP Code in the country. It asks the Service to identify the time period during which the data were collected and to explain why this time period is representative of typical mail volume.

conditions are appropriate, based mainly on its longstanding policy that the disaggregated data sought here are privileged and commercially sensitive. Objection of the United States Postal Service to Interrogatory of Douglas Carlson (Postal Service Objection), October 24, 2001 at 1-2. The Service initially suggested that Mr. Carlson initiate discussions regarding the application of protective conditions, but later expressed its willingness to produce a list of the origin-destination pairs described in the interrogatory that were downgraded from 2-day to 3-day service and were potential candidates for retention as 2-day pairs based on a significant business/volume relationship. Postal Service Objection at 2; Opposition of the United States Postal Service to Douglas Carlson Motion to Compel Response to DFC/USPS-1 (Postal Service Opposition), November 14, 2001, at 12.

Complainant Carlson, on the other hand, argues for unrestricted access. In support of his position, he cites numerous newspaper articles as evidence of a strong public interest in disclosure; argues that the requested data may provide the best and most compelling evidence on central issues; and addresses applicable legal standards. Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-1 (Carlson Motion to Compel), November 7, 2001 at 2-4.

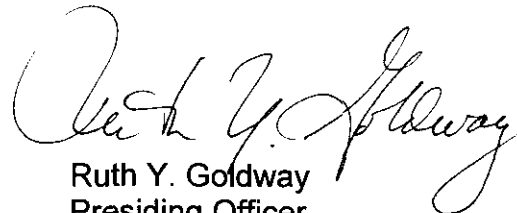
Many of Mr. Carlson's arguments have merit, but I find here – as with DFC/USPS-9 — that allowing the Service to produce less than the full set of data that has been requested strikes an appropriate balance among the interests at stake. First, the data set should be limited to city pairs that were downgraded from 2-day to 3-day service.³ Second, data for New Jersey need not be produced. However, the alternative the Service suggests provides no actual volumes. I believe some indication of volume, in several broad ranges, is important in this situation. Thus, the Service is directed to produce the data described above in several groupings roughly corresponding to low, medium and high volume. I am suggesting, for illustrative purposes, that these might be

³ The Service notes that in Docket No. N89-1, destinations beyond the reasonable reach of surface transportation from a particular origin were deemed to be candidates for a 2-day service standard if they received more than 0.5 percent of an originating facility's outgoing volume. Postal Service Opposition at 11.

1000 pieces and under, over 1000 to 5000, and over 5000. If examination of the data indicates that somewhat different breakouts would more logically conform to low, medium and high categories, the Service is directed to adjust its response accordingly and identify the adjustments. As grouping the data should alleviate most of the Service's concerns about commercial privilege, no protective conditions appear to be needed.

RULING

The Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-1, filed November 7, 2001, is granted on the terms described in the body of this ruling.



Ruth Y. Goldway
Presiding Officer